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Navy Case No. 82,222

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Usman A.K. Sorathia :  
Serial No. 09/822,308 : Group Art Unit: 1712  
Filed: March 29, 2001 : Examiner: Michael J. Feely  
For: FIREPROOF PROTECTION INTEGRATING: Confirmation No. 7684  
FABRICATION SYSTEM FOR COMPOSITE :  
STRUCTURES :

RESPONSE TO ADVISORY ACTION

Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Sir:

The Advisory Action dated May 7, 2003 in the above entitled application, denies entry of the Rule 116 Amendment filed April 25, 2003 because of the Examiner's alleged contention that a change in claim scope is being proposed which raise new issues that overcome the final rejections of claims 17-20. Based on the applicable facts of record as hereinafter pointed out, no change in claim scope and new issues associated therewith are actually involved. The Examiner is therefore urged to carefully consider the matter so as to avoid an expectedly more thorough review thereof on appeal.

First, as to the steps a), b), c) and d) as set forth in claims 17-20 without the proposed amendments, performance of such steps in sequential order is already embodied by recitation in the claims. For example, claim 17 specifies in regard to fabrication of a composite structure: "b) introducing--into the barrier after said forming thereof--d) attaching the barrier to the substrate--before completing the fabrication of the composite structure--". As to the barrier, claim 17 specifies as the first step a): "forming a barrier" and as a second step b): "introducing (by

infusion) a fire resisting agent into the barrier after said forming thereof". Thus, no change in scope is involved in merely emphasizing by the proposed amendment that the steps are performed in sequential order. The amendment was proposed however in view of the Examiner's suggested wording as set forth in the Final Office action.

Furthermore as already pointed out in the Remarks accompanying the Rule 116 Amendment, the disclosure in the newly cited Day et al. patent relied on for final rejections under 35 U.S.C. 102(e) negates the sequential order related limitations as set forth in claims 17-20 which calls for infusion of the fire resisting agent into the barrier after formation thereof, as well as attachment thereof to the substrate before completing fabrication of the composite structure.

In view of the foregoing situation, the final rejections under 35 U.S.C. 102(e) are overcome as conjectured in the Advisory Action because of the specified sequential order involving infusion of the fire resisting agent. An allowance of claims 17-20 is therefore in order with or without entry of the Rule 116 Amendment.

Respectfully submitted,



JACOB SHUSTER, Reg. No. 19,660  
Attorney for Applicant

Tele: (301) 227-1834  
OFFICE OF COUNSEL CODE 39  
NAVAL SURFACE WARFARE CENTER  
CARDEROCK DIVISION HEADQUARTERS  
DAVID TAYLOR MODEL BASIN  
9500 MACARTHUR BOULEVARD  
WEST BETHESDA, MD 20817-5700